IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 813 of 2003
With
CIVIL APPLICATION NO. 2737 OF 2003

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BIPINCHANDRA CHIMANLAL PATEL

Versus

DARSHNA BIPINCHANDRA PATEL

Appearance:
1. First Appeal No. 813 of 2003
MR HM PARIKH for Petitioner No. 1
MR AB MUNSHI for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE M.S.SHAH

Date of decision: 22/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1. On request and with the consent of learned advocate for the parties, this appeal is taken up for hearing and final disposal.

2. The appellant and the respondent who are present in the Court with their learned advocates respectively have filed consent terms, and prayed for decree in terms of the settlement by setting aside the impugned decree dated 12-4-2001 passed by the Family Court, Ahmedabad in Family Suit No. 1026 of 2000 (Original H.M. Petition No. 134 of 1997).

3. Appellant Bipinchandra Chimanlal Patel, identified as such by Mr. H.M. Parikh, learned advocate, is present in the Court. He admits his signature on the consent terms and also the terms thereof. Respondent Darshana, daughter of Bipinchandra Patel is identified as such by Mr. A.B. Munshi, learned advocate, is also present in the Court. She admits her signature on the consent terms as also the consent terms. Consent terms are taken on record. In view of the above consent terms on record, the decree is granted in terms of the consent terms. The impugned decree is set aside and substituted by the decree granted by this order on consent terms.

4. It is stated by the appellant that, in view of the consent terms, an amount of Rs.2,50,000/- shall be transferred from appellant's N.R. Receipt No. TP/A/1/252396 at State Bank of India, Nadiad Branch, within two weeks, to the account of the respondent being Account No. 268666 with Bank of Baroda, Maninagar Branch, Ahmedabad.

Decree accordingly in terms of the consent terms.

5. It is jointly stated by the appellant and the respondent that, this consent terms shall not affect the liability of the appellant as regards payment of maintenance to the respondent - i.e. daughter Darshana, as determined in the divorce proceedings between the appellant and the mother or the respondent.

6. Appeal disposed of accordingly. No order as to costs.

7. Since the main appeal is disposed of in terms of the consent terms between the parties, no order is necessitated in Civil Application No. 2737 of 2003 and the same is disposed of accordingly. Direct service permitted.

Dt: 22-4-2003 (N.G. Nandi, J)

(M.S. Shah, J)

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